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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

INQUIRY INTO THE ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING AMENDMENT BILL 2024

PUBLIC HEARING 30 OCTOBER 2024

Australian Federal Police

QON 1: Mutual Assistance Requests

Senator Shoebridge asked the following question on Wednesday 30 October 2024:

If we were to provide information or arrest or prosecute somebody because of the political determination by another jurisdiction, only one would be enough for me. So, when you say very few, that's cold comfort. How many are we talking?

AFP, KF: I can't think we'd have to take it on notice. I can't think of any in my time in the AFP that we have done criminally on behalf of another country.

Sen. Shoebridge: Could I ask you about under this regime, if the information is provided, actually, that's the AFP. How about our other witness?

ACIC, MR: Senator? Nothing to add to the AFP's evidence there from an intelligence perspective.

Sen. Shoebridge: So, it happens, but it's not common?

ACIC, MR: No, I don't have any evidence to offer. I don't have any evidence to offer around whether it does or doesn't happen. I can take that question on notice so I don't mislead the committee.

The response to the Senator Shoebridge's question is as follows:

The Australian Criminal Intelligence Commission (ACIC) is not aware of any instances in which the agency has disclosed information in support of an investigation or prosecution which was related to a foreign political determination.

QON 2: Checks and Balances

Senator Shoebridge asked the following question on Wednesday 30 October 2024:

Sen. Shoebridge: Do you have any. Can you provide any assistance on what you, what checks and balances are in place to ensure that we're not a witting or unwitting accomplice in a political prosecution?

AFP, SD: Sorry, Chair, I'll just. Hopefully, Senator, this will help. End of the day, we still need to meet the elements of the offence. If there's money going through an individual here and information has come from a foreign country, if they can justify that it's legitimate money, there is no issue here. There's not. I suppose it becomes to whether the money is legitimate or not legitimate. Now, I understand what you're saying about potentially that money could change if I understand, Senator, and

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I apologise, but it could change, going from legitimate to illegitimate, depending on the instructions of a foreign country. That does not occur for us here. But we still need to meet those elements of the offence that I described before.

Chair: Senator Shoebridge. Senator Shoebridge, I'll have to share the call in a moment.

Sen. Shoebridge: I was asking that question of the Australian Criminal Intelligence Commission and I assume you're taking that on notice, too?

ACIC, JH: Hi Senator, Jason Halls from the ACIC. Yes, we'll have to take it on notice. I can say that if it was a foreign jurisdiction that reached in to suggest that some illicit funds or funds coming into the country was illicit in nature, I mean, the checks and balances that you're asking, we would look into that. And certainly, the AFP not speaking on behalf of those, but I can't think of any that have occurred.

The response to the Senator Shoebridge's question is as follows:

The ACIC has robust internal safeguards and governance frameworks to ensure that its intelligence operations, and the dissemination of our information and intelligence is lawful and for a permitted purpose.

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